

## WORKERS' COMPENSATION COUNCIL MEETING

Minutes of Council Meeting

March 7, 2014

### Members Present:

Palmer, Chuck  
Housefield, Bill  
Parker, Ella  
Bava, Rosa  
Chizick, Jayson  
Combs, John  
Conklin, Matt  
Esper, Tim  
Frame, Phil  
Flynn, Dennis  
Hamm, Andrea

### Others Present:

Elsenheimer, Kevin Director  
Nolsih, Jack Deputy Director  
Klaeren, Lisa Chief Magistrate  
Wheatley, Jack Chair of Compensation Appellate Commission

Chair Chuck Palmer called the meeting to order at 9:05 a.m. to address the following Agenda:

1. Meeting called to order
2. Secretary's report
3. Treasurer's report
4. Old Business
  - a. Summer meeting update
  - b. 2014 Hall of Fame update
  - c. Past chairperson's golf outing
5. New Business
  - a. Facilitation discussion
  - b. Evidence based medicine proposed rules

**Secretary's Report:** Chris Rabideau previously submitted the minutes from the February 7, 2014 Meeting. He was unable to be present at today's meeting and Ella Parker acted on his behalf. Following a motion by Phil Frame and seconded by Andrea Hamm, the minutes were approved.

**Treasurer's Report:** Ella Parker provided the Treasurer's Report. Through January 2014, we had a balance of \$81,157.72. Since then, we authorized a deposit of \$750 for the summer meeting. The total cost for the winter meeting was \$3,210.10. This was a savings of about \$500

over the year before. The members compared the costs and benefits of the December Meeting at the U Club in 2013 to the December Meeting at St. Johns in 2012. Dues are down approximately \$1,000 over the year before. Following a motion by Andrea Hamm and seconded by Rosa Bava, the Treasurer's Report was approved.

### **Old Business:**

- a. **Summer Meeting Update:** Chuck Palmer indicated he asked Crystal Mountain for dinner information and he is hoping to have that by our next meeting, including a registration form so we can send the information out in an e-mail blast.
- b. **2014 Hall of Fame Update:** Chuck Palmer advised the Hall of Fame Committee has received several nominations and will be meeting in the near future to discuss the nominees.
- c. **Past chairpersons golf outing:** Bill Housefield discussed the past chairperson's golf outing, which will be held on May 9, 2014 at the University Club at Michigan State University. It will include a golf outing in the afternoon and a dinner following in the President's Club. The council will plan on meeting prior to the golf outing at the U Club, which does have Wi-Fi, for the May Council meeting. Those unable to attend personally should still be able to use Fuze meeting to participate.

### **New Business:**

- a. **Facilitation Discussion:** Chief Magistrate Lisa Klaeren discussed some issues with facilitation and advised it is still an evolving process. The scheduling of facilitations is left to the individual magistrates at the different locations but she will discuss the issue at an upcoming meeting with the magistrates. If the parties are not ready to proceed with a redemption or other hearings, the magistrates will hear facilitations. That may back up the dockets but if the parties wished to come in at other times for a facilitation, most magistrates are making themselves available. Chuck Palmer agreed to send out an e-mail blast to the Section regarding facilitations and scheduling different times.

Magistrate Klaeren also discussed the fact that Luke McMurray has been appointed as a magistrate to fill one of the spots but there was an issue with the date used for the end of his term so no official announcement has been made until that is corrected. His term should end on January 26, 2017. It is anticipated he will be in Flint three weeks out of the month and Sault St. Marie the fourth week. Magistrate Colombo will step into former Magistrate Buhler's docket at the Detroit Agency.

- b. Compensation Appellate Commission:** Chair Jack Wheatley advised that the Appellate Commission was moving the following Monday to Constitutional Hall at 525 West Allegan Street, P.O. Box 30475, Lansing, Michigan. Further information is available on the website. Jack agreed to forward the information to Chuck, who will send out an email blast to the Section with the new address.
- c. Evidence Based Medicine and the Agency:** Deputy Director Jack Nolish advised that the director, Kevin Elsenheimer, would be joining us at some point to discuss EBM but had a conflict with another appointment. However, Deputy Director Nolish updated the Council in regards to current activities at the Agency concerning the new data system. Deputy Director Nolish indicated his primary responsibility at the present time is developing a new data system for the State and they would be holding a meeting for a committee to discuss anticipated changes. This is the initial step in what will be a long process spread out over a couple of years.

Director Elsenheimer joined the meeting to discuss Evidence Based Medicine and the proposed rules. He outlined how he arrived at the decision to promulgate rules and what the goals they were attempting to accomplish with the promulgation of rules. Deputy Elsenheimer indicated they had received communication from the Attorney General's office regarding some issues with the rules that needs to be addressed and they were still waiting for commentary from the Michigan Association for Justice in regards to the proposed rules. Deputy Elsenheimer entertained questions from the council regarding specific rules and advised there would be some changes before the final version is submitted.

Deputy Elsenheimer also updated the Council about legislation moving through the process regarding the Delphi situation and funding the cases. One bill would allow the Fund to take over the cases and make payments while still pursue litigation and recovery. Based on current statutes, that has not been an option and the cases have been stagnating. Other proposed bills would allow for additional funding to handle the potential exposure from the Delphi cases. In the meantime, the litigation between the State and ACE American Insurance over the Delphi cases continues.

With no further business to discuss, the Council adjourned at 10:22 am upon motion by Ella Parker and seconded by Andrea Hamm.

Respectfully submitted,

Ella S. Parker acting on behalf of Secretary Chris Rabideau in his absence.